THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P.No.9241 of 1997

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Between
Smt.M.Vijaya Lakshmi ..Petitioner

AND

The District Collector, Krishna district and others ..Respondents

JUDGMENT

7.2.2007

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P.No.9241 of 1997

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ORDER:

This writ petition has been instituted seeking a declaration that the assignment of land of an extent of Ac.3.04 cents situate in Survey No.251/2 and Ac.2.20 cents situate in Survey No.251/3 of Gopavaram Village, Musunuru Mandal, Krishna District by the second respondent – the Mandal Revenue Officer, Musunuru Mandal as illegal.

The case of the writ petitioner is that her paternal grand- father was the erstwhile landholder of Gopavaram Estate which was notified and taken over by the State Government in terms of the provisions contained in the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948. The writ petitioner further asserts that her grand-father submitted an application before the Estate Settlement Officer, Machlipatnam for grant of ryotwari patta insofar as the farm lands held by him in terms of the provisions contained in Section 15 of the said Act. The Estate Settlement Officer by his order dated 31.3.1954 rejected the claim of the Estate holder for grant of ryotwari patta over an extent of Ac.6.00 of land apart from some other extents of land situate at Gopavaram village. Aggrieved by such an order, the predecessor in interest of the writ

petitioner had filed an appeal before the Estates Abolition Tribunal, Chittoor and the said Tribunal has entertained the Appeal Suit bearing No.223 of 1954 and by its order dated 19.3.1955, has allowed the same in part and granted ryotwari patta over an extent of Ac.6.00 of land called as “Peda Revadi Chenu” apart from certain other lands. But unfortunately, when survey and settlement operations have been taken up and the settlement rates were introduced in the year 1960, the land to the extent of Ac.10.18 cents situate in Revenue Survey No.251 of Gopavaram Village has been classified as “assessed waste dry lands” and ever since that is how the revenue records have been maintained. Since the land in question forms part of this large extent of Ac.10.18 cents and since the same has been classified as “assessed waste dry land”, the writ petitioner or her predecessors in interest have not agitated about the mis-classification of the land in question for rectification of the extent as well as its classification immediately. In those set of circumstances, the request made by the writ petitioner on 14.8.1993 to incorporate the changes in the Village records duly incorporating her name as the pattedar, has not been entertained. Further certain other important changes have also taken place in the meantime. The land in Survey No.251 of Gopavaram Village has been undertaken for sub-division and the same has been sub-divided as under:

R.S.No.251/1	Ac.2.98
R.S.No.251/4	Ac.1.96
R.S.No.251/2	Ac.3.04
R.S.No.251/3	Ac.2.20

Out of this extent, the land situate in an extent of Ac.3.04 and Ac.2.20 cents situate in S.Nos.251/2 and 251/3 respectively has been assigned in favour of the respondent No.3, as he is a freedom fighter. In view of these subsequent developments because of the laxity on the part of the writ petitioner in prosecuting her rights, third party interests have been created over a part of the land and that the land assigned in favour of the third respondent may have been improved upon by him because the assignment was otherwise valid and genuine.

In this view of the matter, entertaining the claim of the writ petitioner at this length of time for setting at naught the D form patta granted in favour of the third respondent or those who have succeeded to his interest subsequently, would not arise inasmuch as this writ petition has come to be instituted only on 28.4.1997.

However, the fact remains that a competent appellate forum which has been created under a statute had gone into the question of the entitlement of the predecessor-in-interest of the writ petitioner and held that certain extents of lands are ryotwari lands liable to be held in his own right. The orders passed by the Estate Abolition Tribunal, Chittoor in Appeal No.223 of 1954 on 18.3.1955 have got to be carried on to the revenue records inasmuch as the State and its Revenue administration is a party to this proceeding and the judgment rendered by the said Estates Abolition Tribunal, Chittoor binds them as well.

In these set of circumstances, when I called for, on

the previous occasion, the factual data relating to the availability of land in the Village which was a former inam Village, the Mandal Revenue Officer, Musunuru Mandal of Krishna District had filed a detailed additional counter affidavit on 24.1.2007. It is worthy to record the contents of para 5 of the said additional counter affidavit which are as follows:

> "It is further submitted that an extent of Ac.4.94 cents i.e. Ac.2.98 cents in R.S.No.251/1 and Ac.1.96 cents in R.S.No.251/4 of Gopavaram Village is only available and no other Government land is available in this village to substitute the land of Ac.6.00 for which ryotwari patta was granted by the Settlement Authorities to the petitioner. Therefore, there is no objection for the incorporation of changes of Ac.4.94 cents in R.S.Nos.251/1 and 4 which is classified as "A.W.D." in favour of the writ petitioner in lieu of the ryotwari patta granted by the E.A.T., Chittoor."

In view of this statement made on behalf of the respondents in the additional counter affidavit, I provided an opportunity to the writ petitioner so as to reconsider her claim for grant of ryotwari patta over an extent of Ac.6.00 of land situate in Survey No.251. In response thereto, a detailed affidavit has been filed today i.e. on 7th February, 2007 and in para 10, the writ petitioner has categorically agreed to confine her claim for grant of ryotwari patta over the remaining extent of land in Ac.4.94 in Survey Nos.251/1 and 251/4 of Gopavaram Village, and not to rake up the claim for the

rest of the land of Ac.1.06 cents.

While placing on record my sincere appreciation of the efforts put in by both sides to have an amicable resolution of the dispute, I consider it appropriate to dispose of the writ petition by directing the respondents 1 and 2 to incorporate the necessary changes in the revenue records duly recording the right of the writ petitioner over the land in an extent of Ac.4.94 cents situate in Survey Nos.251/1 and 251/4 of Gopavaram village, Musunuru Mandal, Krishna District, duly reclassifying this extent of land from its original classification as “assessed waste dry land”.

In this view of the matter, the patta granted in favour of the third respondent over the remaining extent of land situate in Survey Nos.251/2 and 251/3 of Gopavaram Village remains untouched and unaffected. The classification of this piece of land need not be altered. The necessary entries of correction with regard to the classification and extent and incorporation of the name of the writ petitioner in the revenue records be carried out as early as possible, at any rate, within a period of three months from today.

The writ petition stands disposed of accordingly. No costs.

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NOOTY RAMAMOHAN RAO.J.

7.2.1.2007
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